UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,322	10/13/2000	Andrzej Mamona	0100.0000810	8828

23418	7590	01/29/2004	**EXAMINER**	
			GROSS, KENNETH A	

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:
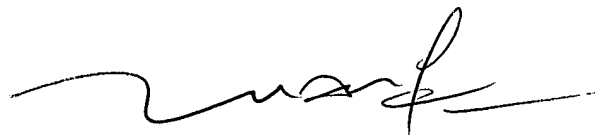
    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-14*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: No new matter was added to further limit the subject matter of the claims. Furthermore, the applicant's arguments with respect to Claims 3 and 10 are not persuasive. In regard to the request for factual support of the obviousness statement of Claims 3 and 10, the examiner has provided the references Li (U.S. Patent Number 6,334,213) and Wetmore et al. (U.S. Patent Number 5,481,713). Wetmore teaches creating updating software by using patches of code that include jump instructions to point to new code (Column 6, lines 45-67 and Column 7, lines 1-67). Li teaches merging executable programs into one executable program using jump instructions to link the programs (modules) together. Furthermore, the applicant's arguments with respect to Claims 1, 4, 5, 11, and 12 are not persuasive. The applicant argues that Chen does not teach dynamic creation of setup package files, and that the term "dynamic creation" used by Chen in Column 10 refers to the fact that the setup files are pregenerated and downloaded by the mobile device. However, Chen clearly teaches repacking the setup files on the desktop, and thus dynamically re-creating the application in a package (Column 10, lines 11-17). Furthermore, the applicant's arguments with respect to Claims 2 and 9 are not persuasive. The applicant makes similar arguments in Claim 2 reguarding the lack of dynamic bundle creation in Chen on the bottom of Page 3 and top of Page 4. The examiner directs the applicant to the response to Claim 1 above as a reply to this argument. The applicant also argues that the Biggs reference does not support dynamic bundle creation and thus teaches an oppisite approach than the claims invention. Note that the Biggs reference was solely introduced to teach a driver associated with an application with software associated with each entry point in the driver. Thus creating a software bundle for each entry point of a driver is obvious, as such a driver is taught to be advantageous by Biggs. Finally, with respect the the applicant's arguments of Claims 6, 7, 13, and 14, the examiner directs the applicant to the response to Claim 1 above as a reply to these arguments.

TUAN DAM
SUPERVISORY PATENT EXAMINER

2